

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

R. Michael Best	:	
Keith Dougherty	:	
Docson Consulting LLC (SMLLC)	:	
Keith Dougherty Investments & Consulting	:	
LLC (SMLLC)	:	
	:	
	:	
<b>Plaintiff(s),</b>	:	<b>Civil Action NO: 1:14-CV-922</b>
	:	
<b>v.</b>	:	
<b>U.S. Food Inc et al</b>	:	
	:	<b>Christopher Conner (Judge)</b>
	:	
	:	<b>Filed Electronically</b>
	:	
	:	
<b>Defendant(s),</b>	:	
	:	<b>Jury Trial Demanded</b>
	:	
	:	
	:	

---

**Plaintiff's Motion to Strike U.S. Foods Inc. Motion to Dismiss and Enter Default against U.S. Foods Inc.**

---

And now comes Keith Dougherty and R. Michael Best pro se and seek to strike Defendant U.S. Foods Inc.'s Motion to Strike as not compliant with Federal Pleading Requirements.

1. As Defendant was properly served through its Delaware Agent as of 5/14/2014 a response was due no later than 6/4/14.
2. Counsel for Defense (4) entered appearance on or about 6/4/14-6/5/14.

**3. Counsel did file a motion to dismiss Doc. 16 6/4/2014**

**without supporting brief.**

**LR 7.5 Submission of Briefs Supporting Motions.**

**If a supporting brief is not filed within the time provided in this rule the motion shall be deemed to be withdrawn.**

**4. No motion or request to extend time to file having been**

**sought the motion is deemed “withdrawn” under local rule.**

**5. Having failed to plead and defend which requires more than**

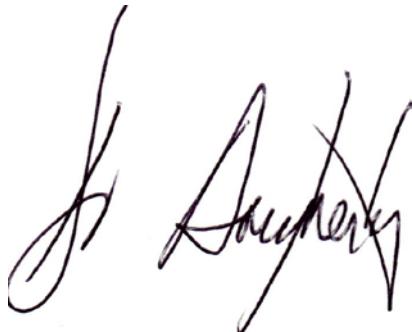
**“entry of appearance” default is in order.**

**Prayer For Relief**

**As Defense Counsel for U.S. Food Inc., have failed to “timely respond” and or “file the supportive brief” required under Rule within the 21 days allowed by Congress (and their opponent has properly cited the Rules in opposition) their “motion to dismiss is stricken”; the clerk shall enter default against U.S. Foods Inc.**

**Only Supreme Court opinions are relevant.**

**Respectfully Submitted,**



**Keith Dougherty, CFP®, CLU®, IAR, EA**  
Sole Member Keith Dougherty Investments & Consulting LLC  
8075 Manada View Drive  
Harrisburg, PA 17112-9383  
866-391-7295  
[keithdoughertycfp@comcast.net](mailto:keithdoughertycfp@comcast.net)



R. Michael Best  
6493 Carlisle Pike  
Mechanicsburg, PA  
17055 (717) 795-9350  
Fax: 717-691-6636

[Bestautosales1@gmail.com](mailto:Bestautosales1@gmail.com)

### **Certificate of Nonconcurrence**

**I Keith Dougherty do hereby certify by phone conversation with  
U.S. Food Inc. Counsel Brian Watson does not concur.**

**/S/Keith Dougherty**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

R. Michael Best pro se :  
Keith Dougherty pro se :  
President/Secretary of CUC of MD :  
Inc. Maryland Close Corp (S Corp) :  
(Director) of Ken & Jim CUC Inc. :  
Wholly owned subsidiary of CUC of :  
MD Inc. :  
Docson Consulting LLC (SMLLC) :  
:  
**Plaintiff(s),** :  
:  
: **Civil Action NO: 1: 14-CV-922**  
**v.** : **14-CV-480**  
:  
**US Foods Inc. Delaware Division** :  
**Cluck U Corp** :  
**JP Haddad** :  
**Richard Daniels** :  
**Curtis Property Management aka** :  
**“the landlord”** :  
:  
**Cumberland County Sheriff’s** :  
**Department; Cumberland County** :  
**Prothonotary** :  
:  
**President Judge Hess Cumberland** :  
**County Common Pleas** : **Christopher Conner (Judge)**  
**Judge Bratton Dauphin County** :  
**Common Pleas** :  
: **Filed Electronically**  
:  
**Defendant(s),** :  
: **Jury Trial Demanded**  
:  
-----

**Order**

---

**DEFAULT**

**AND NOW on this \_\_\_\_\_ day of June 2014, DEFAULT is hereby entered against defendant(s) U.S. Foods Inc. (Delaware Division) for failure to plead or otherwise defend pursuant to Rule 55(a) Federal Rules of Civil Procedure.**

**US Foods Inc.  
1209 ORANGE ST  
Wilmington, DE 19801  
(302)658-7581**

**Cc:  
U.S. Foods Inc.  
13 Rutledge  
Drive Pittston PA18640**

---

**Christopher Conner (Chief Judge)**

**Certification of Service**

**I Keith Dougherty do hereby certify a copy of the foregoing was served by 1<sup>st</sup> class mail prepaid and by ECF where indicated;**

**JP Haddad  
Cluck U Corp  
14504 Greenview Drive  
Suite 200,  
Laurel, MD 20708  
(301) 604-2535  
Fax: (301) 604-2536**

**Cumberland County Sheriff's Department  
Courthouse Square  
Room 303  
Carlisle, PA 17013**

**Cumberland County Prothonotary  
Courthouse Square  
Suite 100  
Carlisle, PA 17013**

**College Park LLC  
Curtis Property Management  
5620 Linda Ln,  
Camp Springs**

By ECF;

**Colin S. Haviland**  
**Legal Counsel**  
**Supreme Court of Pennsylvania**  
**Administrative Office of PA Courts**  
**1515 Market Street, Suite 1414**  
**Philadelphia, PA 19102**  
**[colin.haviland@pacourts.us](mailto:colin.haviland@pacourts.us)**  
**(v) 215.560.6300**  
**(f) 215.560.5486**

**Joseph M. Cincotta, Esquire**  
**(Attorney I.D. No. 31844) Stephen J. Finley, Esquire (Attorney I.D. No.**  
**200890) GIBBONS P.C.**  
**1700 Two Logan Square**  
**18th & Arch Streets**  
**Philadelphia, PA 19103-2769**  
**Tel: 215-665-0400**  
**Fax: 215-636-0366 [jcincotta@gibbonslaw.com](mailto:jcincotta@gibbonslaw.com)**  
**[sfinley@gibbonslaw.com](mailto:sfinley@gibbonslaw.com)**

**Kathleen A. Stimeling, Esquire**  
**(PHV to be filed) SCHIFF HARDIN LLP One Market**  
**Spear Street Tower, Suite 3200**  
**San Francisco, CA 94105**  
**Tel: 415-901-8712**  
**Fax: 415-901-8701**  
**[KStimeling@schiffhardin.com](mailto:KStimeling@schiffhardin.com)**

**Brian O. Watson, Esquire**  
**(PHV pending)**  
**SCHIFF HARDIN LLP**  
**233 S. Wacker Dr. Suite 6600**  
**Chicago, IL 60606**  
**Tel: 312-258-5845**  
**Fax: 312-258-5600**  
**[BWatson@schiffhardin.com](mailto:BWatson@schiffhardin.com)**

**Attorneys for Defendant**

**US Foods, Inc., improperly sued as  
US Foods Inc. Delaware Division**

**EDWIN A.D. SCHWARTZ, ESQUIRE**  
**Attorney ID 75902**  
**NICOLE M. EHRHART, ESQUIRE**  
**Attorney ID 2000538**  
**100 Corporate Center Road, Suite 201**  
**Camp Hill, PA 17011**  
**(717) 651-3700**  
**[easchwartz@mdwcg.com](mailto:easchwartz@mdwcg.com)**

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**  
**/s/Timothy J. McMahon**  
**Timothy J. McMahon, Esquire**  
**I.D. No. 52918**  
**100 Corporate Center Drive, Suite 201**  
**Camp Hill, PA 17011**  
**(717) 651-3505**  
**[tjmcMahon@mdwcg.com](mailto:tjmcMahon@mdwcg.com)**